

SCHLEY'S "CAN'T OBEY" LETTER**NAVY DEPARTMENT'S TRANSLATION APPROVED CORRECT.**

It Was Published in the "Appendix" Just as It Is Received From the Harvard, on Board of Which Vessel the English Original Was Put Into Cipher—Capt. McCalla Describes the Ineffective Firing on the Colon, and Says There Were No Signals to Prevent Battleship From Going in Closer. He Admits That He Didn't Give Schley the Secret Signal Code by Which He Communicated With the Insurgents at Cienfuegos.

WASHINGTON, Sept. 28.—From the stand-point of pure evidence, the most important thing disclosed to-day in the noted inquiry which is being made by Admiral Dewey and Rear Admiral Wm. Benjamin and Rear Admiral Ramsey into the conduct of Rear Admiral Schley in the war with Spain, was that Schley in the war with Spain, was that the dispatch from Admiral T. Schley, explaining why he could not obey the Navy Department's order to remain at Santiago, where Cervera's squadron had to run, was not changed in any way from the time it left the cruiser Harvard at Kingsport, Jamaica, where it was filed for transmission by telegraph, until it reached the N.Y. Navy Department in Washington. Further more, it was shown that this highly important message had not been changed in any way in the Navy Department, and that it was printed in the "Appendix," or volume of official correspondence relating to the U.S. Navy in the Spanish war just as it was received and translated from the secret cipher code in which it had been sent.

At the conclusion of testimony offered by Judge Advocate Lemly, it was admitted by Mr. Raynor of Admiral Schley's counsel that it had been shown that there had been no change made between the periods of time specified above. But the fact remains that while the message received here does not differ apparently in the ideas it conveys from the message as it appears in Admiral Schley's press copybook kept on the Brooklyn, there are material differences in the language in which that officer's report to the Navy Department is expressed. The question therefore naturally arises: Who changed the wording of the dispatch before it was cabled to the Navy Department? This may be satisfactorily explained. The practice governing the transmission of an English dispatch in cipher is to use the code symbols which express the statements of the English version, using nearly always the same words, but sometimes transposed or rearranged.

A more important question is: Who added to the dispatch after it was copied in the Brooklyn's press copy book the sentence "Very difficult to tow collier to get under" to "Was it done on the Brooklyn or on the Harvard, where the English original was put into cipher?" The Navy Department was asked to-day of all responsibility for any change, verbal or otherwise, in the message.

The importance would probably be attached to the matter if it were not for certain statements made by Mr. Raynor in his opening speech to the court on Wednesday, when the dispatch as it appears in the Brooklyn's press copy book was read:

"Admiral Dewey and Mr. Raynor nodded their heads in assent with satisfaction with Mr. Hanna's statement."

Capt. Parker then was withdrawn from the stand, and corrected the official report of their previous testimony. Capt. Howell H. McCalla was recalled and examined by Mr. Hanna.

Information obtained by the witness from insurgents near Cienfuegos indicated that when told to deliver this message, Capt. McCalla's ship, the Marblehead, and his own, were proceeding to Key West, and not the Flying Squadron going to Cienfuegos, and that the Scorpion and other vessels were to remain in the Eagle. The witness then told the Scorpion by megaphone to inform Schley, for McCalla, that insurgents at a camp whose location he gave, went into Cienfuegos every night and had reported to McCalla that they were not there. This testimony was broader than to show that, despite the fact that Schley did not know of the secret code of signals arranged by McCalla with Cubans at Cienfuegos, he did know if the Scorpion's commander delivered Southernland's message, where he first heard of the Cuban rebels, and where Cervera was in Cienfuegos Harbor. Schley, it is alleged, remained at Cienfuegos from May 22 to May 24 without making any effort to communicate with the Cuban rebels to ascertain from them what Cervera was doing.

Capt. McCalla explained that he had communicated to Admiral Sampson that day, at the Marlinhead, that he had no communication with the Cuban rebels to ascertain from them what Cervera was doing.

Q. Do you understand by that that you communicated it officially? A. I reported to the chief of staff.

Q. Was it not for the purpose of having that communication go to the Commander-in-Chief through his chief of staff? A. Certainly.

Q. Do you know whether Capt. Chadwick communicated this information to the Commander-in-Chief? A. I do not.

Q. Did you communicate the signal arrangement to the Captain of the Iowa?

A. Q. Do you know whether Capt. Chadwick or the Commander-in-Chief communicated to the fleet at Key West this signal arrangement with the Cubans? A. I do not.

Q. Lieutenant Wood has stated that it was common for him to call the fleet at Key West on May 19 and 20 that you had communicated with the insurgents on shore about Cienfuegos. Do you know anything about that? A. The fact may have been known, because we obtained some dynamite for the Cubans at Key West and also some rifles from the rebels. I do not know.

Q. Do I understand you to say that the signal must have been known to the Iowa? A. I cannot say as to specific ships. It must have been known in any ship that we had communicated with the insurgents. The Iowa was with the Flying Squadron.

Q. You received a secret signal about signals? A. Why didn't you tell Commodore Schley when you met the Flying Squadron on May 19, that you made the secret arrangement as to signals? asked Mr. Raynor.

"I did not know Commodore Schley was going to Cienfuegos," said the witness, "though it was going to the Caribbean Sea." The Iowa was with the Flying Squadron on May 19, containing information gathered by McCalla at Cienfuegos, which was sent to Schley from Key West by Sampson on the same day. No evidence can be introduced, however, to show when Schley received it.

Capt. McCalla testified also, in answer to a question by the court that when Schley fired on the Cuban ships were five miles away, he said, "The Marlinhead passed the squadron, he said, and had knowledge of what was going to Cienfuegos."

"If you had thought that Commodore Schley was going to Cienfuegos, would you have communicated to him this secret arrangement?"

"I would certainly," said Capt. McCalla, in answer to a question by the court that when Schley fired on the Cuban ships were five miles away, he said, "The Marlinhead passed the squadron, he said, and had knowledge of what was going to Cienfuegos."

"I did not know Commodore Schley was going to Cienfuegos," said the witness, "though it was going to the Caribbean Sea." The Iowa was with the Flying Squadron on May 19, containing information gathered by McCalla at Cienfuegos, which was sent to Schley from Key West by Sampson on the same day. No evidence can be introduced, however, to show when Schley received it.

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